

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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**Ex parte NACE LAYADI**

**and**

**SIMON JOHN MOLLOY**

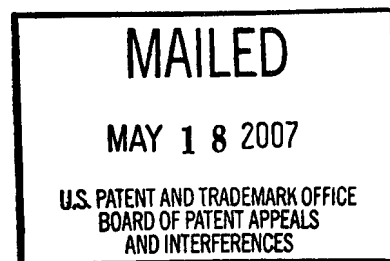
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**Appeal No. 2007-1985  
Application No: 09/905,398**

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**ORDER REMANDING TO EXAMINER**

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This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on March 21, 2007. A docketing Notice was mailed and Appeal Number 2007-1985 was assigned on April 11, 2007. A review of the application has revealed that the application is not ready for consideration of the appeal, therefore, the application is herewith being remanded to the Examiner. The matter requiring attention is identified below.

**BACKGROUND**

**ORDER RETURNING UNDOCKETED APPEAL**

On June 9, 2005, an Order Returning Undocketed Appeal was mailed indicating that neither the Appeal Brief filed October 18, 2004, or the Examiner's Answer mailed January 28, 2005, addressed the appendice headings entitled Evidence Appendix (37 CFR § 41.37(c)(1)(ix) ) and Related Proceedings Appendix

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(37 CFR § 41.37(c)(1)(x) ). On August 31, 2005, appellant filed a revised Appeal Brief, which appropriately addressed the missing appendice heading (identified above), as did the Examiner acknowledge receipt of the revised Appeal Brief on December 5, 2006.

### **EXAMINER'S ANSWER**

#### **Prior Art Of Record**

However, a further review of the Examiner's Answer, mailed January 28, 2005, indicates that it remains defective, because the Examiner's Answer fails to provide a listing of all the evidence relied upon (e.g., patents, publications, admitted prior art), and, in the case of non-patent references, the relevant page or pages, in accordance with the Manual of Patent Examining Procedure (MPEP) § 1207.02. Specifically, the Brennan (6,211,072) reference is missing from the Prior art of Record, but was relied upon to reject Claims 19 and 20 under 35 USC 102(e). Additionally, the "Wolf" publication identified under Prior Art of Record (pg.3, ln.4) is missing from the electronic file record. The Examiner needs to correct the record and provide appropriate copies of necessary evidence (S. Wolf et al.) relied upon for scanning into the electronic record. Appropriate correction is required.

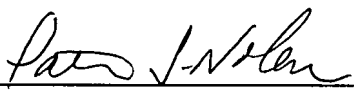
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Accordingly, it is **ORDERED** that the application is remanded to the

Examiner to:

- 1) issue a revised Examiner's Answer listing the all references being relied upon under the heading Evidence Relied Upon (section 8);
- 2) forward a copy of the reference "S. Wolf et al. " for scanning into the electronic file wrapper;
- 3) include in the revised Examiner's Answer all required headings as set forth under 37 CFR § 41.37 (i.e. the Evidence Appendix and the Related Proceedings Appendix); and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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PATRICK J. NOLAN  
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PJN/dpv

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